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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,849	03/02/2000	Drew Bertagna	134/006	4129

35114 7590 05/14/2003

ALCATEL INTERNETWORKING SYSTEM, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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PLANO, TX 75075

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/14/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/516,849

Applicant(s)

BERTAGNA, DREW

Examiner

Anita Choudhary

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on March 6, 2003, under 37 CFR 1.312 has been entered. Claims 6 and 18 have been amended and are presented for further examination. New claim 27 has been added.

Claims 1-27 are presented.

Response to Arguments

Applicant's arguments filed March 6, 2003, have been fully considered but they are not persuasive. Applicant argues that Kadambis' source and destination address in the packet do not teach "receiving a plurality of packets including respective first priorities on the first port" and "generating respective second priorities as a function of the respective first priorities." However Kadambi shows plurality of packets being received on a first port with a first packet priority (COS priority, col. 16 lines 57-60, col.17 lines 11-13 and 37-39, col. 20 lines 29-41, col. 21 lines 38-41). Therefore Kadambi does not fail to teach the claim limitations. See rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kadambi et al (6,335,935), hereinafter "Kadambi".

Kadambi shows a network switching architecture with fast filtering processor. Kadambi discloses a system comprising:

- Means for receiving a plurality of packets (112) including respective first priorities (field in the packet) on the first port (24a) (fig. 8, 14, col. 20 lines 9-16).
- Means for generating respective second priorities (tagging untagged packets with 802.1q priority) as a function of the respective first priorities (protocol fields in the packet) (col. 20 lines 29-41, col. 21 lines 38-41).
- Prioritizing (priority mapping) selected ones of the pluralities of packets (those that pass the exclusive filter) as a function of respective ones of the second priorities (col. 21 lines 22-34, col. 20 lines 48-51, lines 57-67).
- Transmitting the plurality of packets including the respective second priorities (802.1q priority) on a second port (egress port) (col. 20 lines 16-20, col. 20 lines 47-52, col. 21 lines 49-54).

In referring to claim 2 and 3, Kadambi shows the prioritization based on source and destination address (col. 20 lines 24-41).

In referring to claims 4 and 5, Kadambi shows the first and second priorities being 802.1Q tag priorities (col. 16 lines 50-56, col. 17 lines 57-63, col. 18 lines 31-43, col. 20 line 24-41, col. 21 lines 29-45).

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In referring to claim 6, Kadambi show,

- Means for receiving a packet with an included priority (field in the packet) (col. 20 lines 9-14).
- Means for determining a first priority (tagging untagged packets with 802.1q priority COS) for the packet based on the included priority (col. 20 lines 28-41, col. 21 lines 38-41).
- Means for determining whether to mark the packet (pass the filter or not) (col. 21 lines 22-34).
- Means for prioritizing the packet or not in accordance with the first priority (mapping the 802.1q priority) as a function of the whether the packet is marked or not (passed filter or not) (col. 21 lines 22-34).

In referring to claim 7 and 19, Kadambi shows a step for prioritizing packet according to second priority (another action taken) as a function of the packet being marked or not marked (passed filter or not) (col. 21 lines 29-34).

In referring to claim 8 and 20, Kadambi shows the first priority determination is made as a function of a first value (address packet field, col. 20 lines 41) in the packet and the marking determination (a match in a filter) is made as a function of a second value (AND operation with first 64 bytes of packet, col. 21 lines 22-28) in packet, wherein the first and second values are different.

In referring to claim 9 and 23, Kadambi shows a first priority instantiated in the packet upon transmission from the switch (col. 20 lines 9-14).

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In referring to claim 10 and 22, Kadambi shows a mark as a single bit (col. 21 lines 22-28).

In referring to claim 11, Kadambi shows removing of mark, if any, from packet prior transmission from switch (col. 21 lines 22-45).

In referring to claim 12, Kadambi shows prioritizing packet in a queue as a function of the first priority (col. 20 lines 14-20).

In referring to claim 13, Kadambi shows prioritizing packet in a queue as a function of the second priority (col. 21 lines 22-63).

In referring to claim 14 and 21, Kadambi shows a second priority is determined as a function of a third values in the packet (802.1 tag) in the packet, wherein the first and second and third values are different (refer also to rejection for claim 8).

In referring to claim 15 and 24, Kadambi shows first value as a tag priority (col. 20 lines 24-29).

In referring to claim 16, 17, 25 and 26, Kadambi shows second value as a source or destination address (included in first 64 bytes, col. 20 lines 29-33).

In referring to claim 18, Kadambi shows

- A first network interface (EPIC) for receiving packet from source network (fig. 2, col. 5 lines 4-9, col. 24 line 46- col. 26 line 5).
- Determining a first priority for the packet based on included priority (col. 20 lines 9-14).
- Determining whether or not to mark the packet, and transmitting the packet (col. 21 lines 22-34).

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- A second network interface (GPIC) coupled to first network interface for receiving packets, (col. 5 lines 4-9, col. 24 line 46- col. 26 line 5).
- Means for prioritizing the packet or not in accordance with the first priority (mapping the 802.1q priority) as a function of the whether the packet is marked or not (passed filter or not) (col. 21 lines 22-34) and transmitting the packet to a second network.

In referring to claim 27, Kadambi shows,

- Receiving on a first port a packet with tagged priority (802.1q tag) (col. 16 lines 35-56)
- Generating a first priority (VLAN tag) as a function of the tagged priority (looking up a VLAN table 231, col. 16 lines 53-56, col. 18 lines 34-44).
- Including the first priority (VLAN tag) in the packet (col. 16 lines 53-56, col. 17 lines 44- col. 18 lines 30).
- Marking the packet or not based on a first value (first 64 bytes) associated with the packet (col. 21 lines 22-29).
- Identifying a second priority (priority mapping) based on a second value (the result of AND operation with filter col. 21 lines 22-29).
- Determining whether to apply the first priority or the second priority based on whether the packet is marked or not (rules table, col. 21 lines 29-45, col. 20 lines 47-57).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
May 9, 2003



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
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